

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

App. No: 09/977,826
Applicant: George Goicoechea
Filed: October 15, 2001
Title: Endoluminal Stent
TC/A.U.: 3738
Examiner: William H. Matthews

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a submitted herewith.

Pursuant to 37 CFR 1.98(a)(2), a copy of the following references are enclosed:

CA 2,086,333
CA 2,158,373
CA 2 144 305 C
GB 1205743
GB 2269104
FR 1602513
JP 3133446
WO 83/03752
WO 92/06734
WO 97/09008
WO 98/27895

Notice of Opposition by Scimed Life Sciences, Inc. to European Patent No. 0 676 937 B

Opposition by William Cook Aps to European Patent No. 0 676 937 B

Verlag, "Interventional Radiology," pp. 692-699 (1990)

Yoshioka et al., "Self-Expanding Endovascular Graft: An Experimental Study in Dogs,"
AJR 15: pp. 673-676 (1988)

U.S. App. 08/051,728

Official Action in Canadian Application No. 2,182,982, issued by the Canadian Intellectual Property Office on March 30, 2006

References FR 1602513, and JP 3133446 are not in the English language. An English language translation of FR 1602513 is attached to the French language reference. Based on a communication from the Japanese Patent Office in Japan Application No. H07-521275 dated May 18, 2004, English language EP 0 423 916 A1 (previously submitted in this application) is believed to correspond to JP 3133446. An English language abstract of JP 3133446 is also submitted herewith.

References CA 2,086,333, CA 2,158,373, and CA 2 144 305 C were cited by a foreign patent office in a counterpart foreign application. A copy of this English language Official Action, indicating the degree of relevance determined by the foreign patent office is submitted herewith.

The remaining foreign references and publications are not enclosed pursuant to 37 C.F.R. 1.98(d) because they are believed to have been previously submitted in an Information Disclosure Statement filed in U.S. Application No. 08/312,881, which is relied on for an earlier effective filing date in the present application under 35 U.S.C. 120.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, their submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

Table 1, below, identifies those references that are listed on the presently submitted PTO/SB/08a/08b, that have not been submitted previously in this application, and that have been applied by the USPTO or a foreign patent office in a related application (by virtue of a common priority claim).

Table 1.

<i>Document Number</i>	<i>Date</i>	<i>Name</i>
3,657,744	04/25/1972	Ersek
4,545,082	10/08/1985	Hood
5,354,308	10/11/1994	Simon et al.
5,429,144	07/04/1995	Wilk
5,443,497	08/22/1995	Venbrux
5,562,724	10/08/1996	Vorwerk et al.
5,571,170	11/05/1996	Palmaz et al.
5,639,278	06/17/1997	Dereume et al.

5,683,448	11/04/1997	Cragg
CA 2,086,333	04/25/1991	Schneider (USA) Inc.
CA 2,158,373	10/27/1994	Pharmacyclics, Inc.
CA 2 144 305 C	02/02/1995	Cook Incorporated
GB 2269104	02/02/1994	Taha R. Lazim
JP 5305092	11/19/1993	Cook Inc.
JP 6023031	02/01/1994	Endovascular Technologies, Inc.
5,725,572	03/10/1998	Lam
WO 92/06734	04/30/1992	Ho Young Song

Table 2, below, identifies all references, including previously submitted references and references submitted herewith, that have been applied by the USPTO or a foreign patent office in an application related to the subject application (by virtue of a common priority claim). Thus, Table 2 includes among its identified references those previously listed in above Table 1.

Table 2.

Document Number	Date	Name
3,657,744	04/25/1972	Ersek
4,140,126	02/20/1979	Choudhury
4,545,082	10/08/1985	Hood
4,562,596	01/07/1986	Kornberg
4,994,071	02/19/1991	MacGregor
5,064,435	11/12/1991	Porter
5,104,404	04/14/1992	Wolff
5,135,536	08/04/1992	Hillstead
5,304,200	04/19/1994	Spaulding
5,314,472	05/24/1994	Fontaine
5,354,308	10/11/1994	Simon et al.
5,354,309	10/11/1994	Schnepp-Pesch
5,360,443	11/01/1994	Barone
5,364,354	11/15/1994	Walker et al.
5,366,504	11/22/1994	Anderson et al.
5,370,683	12/06/1994	Fontaine
5,387,235	02/07/1995	Chuter
5,389,106	02/14/1995	Tower
5,397,345	03/14/1995	Lazarus et al.
5,405,377	04/11/1995	Cragg

Document Number	Date	Name
5,429,144	07/04/1995	Wilk
5,443,497	08/22/1995	Venbrux
5,464,449	11/07/1995	Ryan et al.
5,489,295	02/06/1996	Piplani et al.
5,562,724	10/08/1996	Vorwerk et al.
5,562,726	10/08/1996	Chuter
5,562,728	10/08/1996	Lazarus et al.
5,571,170	11/05/1996	Palmaz et al.
5,575,817	11/19/1996	Martin
5,639,278	06/17/1997	Dereume et al.
5,683,448	11/04/1997	Cragg
5,725,572	03/10/1998	Lam
5,800,456	09/01/1998	Maeda et al.
5,824,039	10/20/1998	Piplani et al.
CA 2,086,333	04/25/1991	Schneider (USA) Inc.
CA 2,158,373	10/27/1994	Pharmacyclics, Inc.
CA 2 144 305 C	02/02/1995	Cook Incorporated
EP 0 421 729	12/07/1995	Medtronic, Inc.
EP 0 423 916	04/24/1991	Cook, Inc.
EP 0 466 518	01/15/1992	Endovascular Tech. Inc.
EP 0 480 667	04/15/1992	Cook Incorporated
EP 0 481 365	06/22/1994	Schnepp-Pesch
EP 0 508 473	10/14/1992	Endovascular Tech, Inc.
EP 0 536 164	04/14/1993	Schneider (USA) Inc.
EP 0 539 237	4/28/1993	Celsa LG Societe Anonyme
EP 0 540 290	05/05/1993	Advanced Cardiovascular Systems, Inc.
EP 0 556 850	08/25/1993	Endotech, LTD.
GB 2 269 104	02/02/1994	Taha R. Lazim
FR 2678508	01/08/1993	Celsa LG Societe Anonyme
DE 4 303 181	08/11/1994	Angiomed AG(DE)
JP 3076554	04/02/1991	Sanyo Shokuhin KK
JP 3151983	06/28/1991	Medtronic Inc.
JP 5305092	11/19/1993	Cook Inc.
JP H05-76554	03/30/1993	Endovascular Technologies, Inc.
JP 6023031	02/01/1994	Endovascular Technologies, Inc.

<i>Document Number</i>	<i>Date</i>	<i>Name</i>
JP 7501476	02/16/1995	Schneider (USA) Inc.
WO 89/08433	09/21/1989	Harrison M. Lazarus
WO 92/00043	01/09/1992	Schneider (USA) Inc.
WO 92/06734	04/30/1992	Ho Young Song
WO 93/13825	07/22/1993	Munehiro Maeda et al.
WO 93/19703	10/14/1993	Schneider (USA) Inc.

Applicants would also like to direct the Examiner's attention to the related applications and patents listed in Table 3, below. In light of the proscription against double patenting, the contents of these applications and patents may be "material" to the Examiner's consideration.

Table 3.

<i>Application</i>	<i>Date Filed</i>	<i>Patent No. or Publication No.</i>	<i>Applicant(s) Name</i>
08/312,881	9/27/1994	pending	Goicoechea et al.
08/315,763	10/4/94	5,609,627	Goicoechea et al.
08/461,402	6/5/1995	pending	Cragg et al.
08/461,513	6/5/1995	5,716,365	Goicoechea et al.
08/461,514	6/5/1995	5,693,086	Goicoechea et al.
08/462,272	6/5/1995	5,776,180	Goicoechea et al.
08/463,981	6/5/1995	5,800,508	Goicoechea et al.
08/463,987	6/5/1995	pending	Goicoechea et al.
08/463,991	6/5/1995	5,718,724	Goicoechea et al.
08/465,653	6/5/1995	5,683,450	Goicoechea et al.
08/662,484	6/13/1996	5,916,263	Goicoechea et al.
08/960,282	10/29/1997	6,051,020	Goicoechea et al.
08/961,548	10/30/1997	5,938,696	Goicoechea et al.
09/020,749	2/9/1998	6,117,167	Goicoechea et al.
09/313,593	5/18/1999	6,302,906	Goicoechea et al.
09/317,102	5/21/1999	6,165,213	Goicoechea et al.
09/387,696	8/31/1999	Pending	Goicoechea et al.
09/427,310	10/26/1999	Pending	Goicoechea et al.
09/977,826	10/15/2001	2002-0019659	Goicoechea et al.
10/616,274	7/9/2003	2004-0106979	Goicoechea et al.
10/682,483	10/9/2003	2004-0073287	Goicoechea et al.
10/692,886	10/24/2003	2004-0098086	Goicoechea et al.

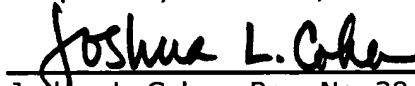
Application	Date Filed	Patent No. or Publication No.	Applicant(s) Name
10/703,659	11/7/2003	2004-0098115	Goicoechea et al.
10/784,378	2/23/04	2004-0167599	Goicoechea et al.

Finally, with respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the decision of the Board of Patent Appeals and Interferences (BPAI), dated July 27, 2001, in Interference No. 104,192 and the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia dated March 31, 2006 (Civil Action No. 01 CV 2015), which is now under appeal. Copies of the BPAI decision, the Memorandum Opinion and the Final Judgment are attached.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed with a Request for Continued Examination under 37 CFR 1.114.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Stanley Weinberg, Reg. No. 25,276

Enclosures: PTO Forms SB/08a and SB/08b
Transmittal Form
17 References
BPAI Decision, Interference No. 104,192
Memorandum Opinion and Final Judgment
U.S. District Court, District of Columbia,
01 CV 2015

Dated: June 22, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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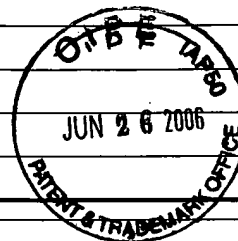
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

SHEET 1 of 6

Complete if Known

Application Number	09/977,826
Filing Date	October 15, 2001
First Named Inventor	George Goicoechea
Art Unit	3738
Examiner Name	William H. Matthews
Attorney Docket No.	BSI-010US4

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-3,304,557	02/21/1967	S. Polansky	
		US-3,657,744	04/25/1972	Ersek	
		US-3,805,301	04/23/1974	Liebig	
		US-4,130,904	12/26/1978	Whalen	
		US-4,202,349	05/13/1980	Jones	
		US-4,494,531	01/22/1985	Gianturco	
		US-4,530,113	07/23/1985	Matterson	
		US-4,545,082	10/08/1985	Hood	
		US-4,787,899	11/29/1988	Lazarus	
		US-4,795,463	01/03/1989	Gerow	
		US-5,163,958	11/17/1992	Pinchuk	
		US-5,192,310	03/09/1993	Herweck, et al.	
		US-5,306,294	04/26/1994	Winston et al.	
		US-5,330,500	07/19/1994	Song	
		US-5,342,387	08/30/1994	Summers	
		US-5,354,308	10/11/1994	Simon et al.	
		US-5,383,892	01/24/1995	Cardon	
		US-5,395,390	03/07/1995	Simon et al.	
		US-5,429,144	07/04/1995	Wilk	
		US-5,443,497	08/22/1995	Venbrux	
		US-5,522,880	06/04/1996	Barone et al.	
		US-5,540,712	07/30/1996	Kleshinski et al.	
		US-5,562,724	10/08/1996	Vorwerk et al.	
		US-5,562,727	10/08/1996	Turk et al.	
		US-5,571,170	11/05/1996	Palmaz et al.	
		US-5,609,605	03/11/1997	Marshall et al.	
		US-5,628,783	05/13/1997	Quiachon et al.	
		US-5,632,772	05/27/1997	Alcime	
		US-5,639,278	06/17/1997	Dereume et al.	
		US-5,662,675	09/02/1997	Polanskyj Stockert et al.	
		US-5,676,697	10/14/1997	MacDonald	
		US-5,683,448	11/04/1997	Cragg	
Examiner Signature				Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complete if Known

Application Number	09/977,826
Filing Date	October 15, 2001
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Examiner Name	William H. Matthews
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SHEET 2 of 6

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		Number - Kind Code ² (if known)			
		US-5,697,970	12/16/1997	Schmitt	
		US-5,725,572	03/10/1998	Lam	
		US-5,741,332	04/21/1998	Schmitt	
		US-5,800,456	09/01/1998	Maeda et al.	
		US-5,824,042	10/20/1998	Lombardi	
		US-5,871,536	02/16/1999	Lazarus	
		US-5,876,432	03/02/1999	Lau et al.	
		US-6,090,137	07/18/2000	Schmitt	
		US-6,102,938	08/15/2000	Evans et al.	
		US-6,123,722	09/26/2000	Fogarty, et al.	
		US-6,129,756	10/10/2000	Kugler et al.	
		US-6,156,063	12/05/2000	Douglas	
		US-6,159,239	12/12/2000	Greenhalgh	
		US-6,162,246	12/19/2000	Barone	
		US-6,176,875	01/23/2001	Lenker, et al.	
		US-6,197,049	03/06/2001	Shaolian	
		US-6,200,339	03/13/2001	Leschinsky et al.	
		US-6,210,435	04/03/2001	Piplani et al.	
		US-6,221,099	04/24/2001	Andersen, et al.	
		US-6,221,102	04/24/2001	Baker et al.	
		US-6,235,050	05/22/2001	Quiachon, et al.	
		US-6,251,133	06/26/2001	Richter et al.	
		US-6,251,134	06/26/2001	Alt et al.	
		US-6,261,316	07/17/2001	Shaolian et al.	
		US-6,270,523	08/07/2001	Herweck, et al.	
		US-6,273,909	08/14/2001	Kugler et al.	
		US-6,280,467	08/28/2001	Leonhardt	
		US-6,283,991	09/04/2001	Cox, et al.	
		US-6,287,335	09/11/2001	Drasler et al.	
		US-6,312,462	11/06/2001	McDermott et al.	
		US-6,325,819	12/04/2001	Pavcnik et al.	
		US-6,325,826	12/04/2001	Vardi et al.	
		US-6,331,190	12/18/2001	Shokoohi et al.	
		US-6,334,869	01/01/2002	Leonhardt et al.	
Examiner Signature				Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

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Examiner Name	William H. Matthews
Attorney Docket No.	BSI-010US4

SHEET 3 of 6

U.S. PATENT DOCUMENTS

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		US-6,344,056	02/05/2002	Dehdashtian	
		US-6,348,066	02/19/2002	Pinchuk et al.	
		US-6,361,557	03/26/2002	Gittings, et al.	
		US-6,395,019	05/28/2002	Chobotov	
		US-6,395,022	05/28/2002	Piplani et al.	
		US-6,398,803	06/04/2002	Layne, et al.	
		US-6,398,807	06/04/2002	Chouinard et al.	
		US-6,409,750	06/25/2002	Hyodoh et al.	
		US-6,409,756	06/25/2002	Murphy	
		US-6,416,542	07/09/2002	Marcade et al.	
		US-6,428,565	08/06/2002	Wisselink	
		US-6,440,166	08/27/2002	Kolluri	
		US-6,454,795	09/24/2002	Chuter	
		US-6,464,721	10/15/2002	Marcade et al.	
		US-6,485,524	11/26/2002	Strecker	
		US-6,517,572	02/11/2003	Kugler et al.	
		US-6,524,336	02/25/2003	Papazolgou, et al.	
		US-6,540,777	04/01/2003	Stenzel	
		US-6,547,820	04/15/2003	Staudenmeier	
		US-6,551,350	04/22/2003	Thornton et al.	
		US-6,565,596	05/20/2003	White et al.	
		US-6,576,007	06/10/2003	Dehdashtian et al.	
		US-6,576,009	06/10/2003	Ryan et al.	
		US-6,582,458	06/24/2003	White et al.	
		US-6,592,614	07/15/2003	Lenker, et al.	
		US-6,645,242	11/11/2003	Quinn	
		US-6,652,567	11/25/2003	Deaton	
		US-6,682,541	01/27/2004	Gifford, III, et al.	
Examiner Signature				Date Considered	

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**INFORMATION DISCLOSURE
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SHEET 4 of 6

Complete if Known

Application Number	09/977,826
Filing Date	October 15, 2001
First Named Inventor	George Goicoechea
Art Unit	3738
Examiner Name	William H. Matthews
Attorney Docket No.	BSI-010US4

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (If known)				
		EP 0 464 755	01/08/1992	Nissho Corp.		
		GB 1205743	09/16/1970	Colin C. Didcott		<input type="checkbox"/>
		GB 2269104	02/02/1994	Taha R. Lazim		
		FR 1602513	01/29/1971	National Research Development Corp.(GB)		
		JP 3133446 (w/English Abstract)	06-06-1991	Cook Inc.		
		JP 5305092	11/19/1993	Cook Inc.		
		JP H05-76554	03/30/1993	Endovascular Technologies, Inc.		
		JP 6023031	02/01/1994	Endovascular Technologies, Inc.		
		WO 83/03752	11-10-1983	Hans Wallstén		
		WO 92/06734	04/30/1992	Ho Young Song		
		WO 95/01761	01/19/1995	Dr. T. J. Fogarty		
		WO 97/09008	03/13/1997	Medtronic, Inc.		
		WO 98/27895	07/02/1998	Prograft Medical, Inc.		
Examiner Signature				Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶Applicant is to place a check mark here if English language translation is attached.

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STATEMENT BY APPLICANT***(Use as many sheets as necessary)***Complete if Known**

Application Number	09/977,826
Filing Date	October 15, 2001
First Named Inventor	George Goicoechea
Art Unit	3738
Examiner Name	William H. Matthews
Attorney Docket No.	BSI-010US4

SHEET 6 of 6**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Notice of Opposition by Scimed Life Sciences, Inc. to European Patent No. 0 676 937 B	<input type="checkbox"/>
		Opposition by William Cook Aps to European Patent No. 0 676 937 B	<input type="checkbox"/>
		Verlag, "Interventional Radiology," pp. 692-699 (1990)	<input type="checkbox"/>
		Yoshioka et al., "Self-Expanding Endovascular Graft: An Experimental Study in Dogs," AJR 15: pp. 673-676 (1988)	<input type="checkbox"/>
		U.S. App. 08/051,728	<input type="checkbox"/>
		Official Action in Canadian Application No. 2,182,982, issued by the Canadian Intellectual Property Office on March 30, 2006	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Examiner
SignatureDate
Considered

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